



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 6, 1992

Mr. Leonard W. Peck, Jr.
Assistant General Counsel
Texas Department of Criminal Justice
Institutional Division
P.O. Box 99
Huntsville, Texas 77342-0099

OR92-140

Dear Mr. Peck:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14933.

The Texas Department of Criminal Justice Institutional Division (the "department") has received a request for information relating to an inmate's psychological and psychiatric evaluations. Specifically, the requestor seeks any "records which pertain to any psychological/psychiatric evaluations, classification, or recommendations, including but not limited to a recommendation for the same made by the unit classification committee on 12-23-91." You advise us that some of the requested information has been made available to the requestor, but that the remainder is excepted from required public disclosure by sections 3(a)(8) and 3(a)(11) of the Open Records Act.

Section 3(a)(8) excepts

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

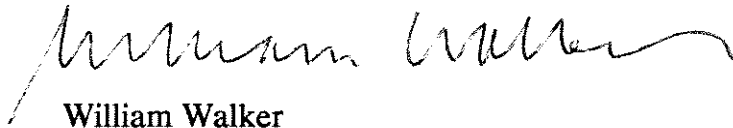
When the "law enforcement" exception is claimed as a basis for excluding information from public view, the agency claiming it must reasonably explain, if the

information does not supply the explanation on its face, how and why release would unduly interfere with law enforcement. Open Records Decision No. 434 (1986) (citing *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977)); *see also* Open Records Decision No. 413 (1984) (Department of Corrections is a "law enforcement" agency within the meaning of section 3(a)(8)).

We have examined the documents submitted to us for review. We conclude that release of this information would undermine a legitimate law enforcement interest. Accordingly, the information which has not already been made available to the requestor may be withheld from required public disclosure under section 3(a)(8) of the Open Records Act. Because we resolve this matter under section 3(a)(8), we need not address the applicability of section 3(a)(11) at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-140.

Yours very truly,



William Walker
Assistant Attorney General
Opinion Committee

WW/GK/lmm

Ref.: D# 14933
ID# 15072
ID# 15035
ID# 15124
ID# 15258

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